



**PATENT COOPERATION TREATY**  
**PCT**  
**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**  
 (Chapter II of the Patent Cooperation Treaty)  
 (PCT Article 36 and Rule 70)

|   |   |  |                      |
|---|---|--|----------------------|
| Applicant's or agent's file reference<br><b>ASW1721</b>   | <b>FOR FURTHER ACTION</b>                                       |  | See Form PCT/PEA/416 |
| International application No.<br><b>PCT/GB2005/000389</b>   | International filing date (day/month/year)<br><b>04.02.2005</b> | Priority date (day/month/year)<br><b>06.02.2004</b>  |                      |
| International Patent Classification (IPC) or national classification and IPC<br><b>INV. C11B9/00 C11C5/00</b>   |   |  |                      |
| Applicant<br><b>RUFF, Brendan</b>   |   |  |                      |
| <p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p style="margin-left: 20px;">a. <input checked="" type="checkbox"/> sent to the applicant and to the International Bureau a total of 7 sheets, as follows:</p> <p style="margin-left: 40px;"><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p style="margin-left: 20px;">b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> |   |  |                      |
| <p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input checked="" type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>  |   |  |                      |
| Date of submission of the demand<br><br><b>05.09.2005</b>   |   | Date of completion of this report<br><br><b>11.04.2006</b>   |                      |
| Name and mailing address of the International preliminary examining authority:<br> European Patent Office - P.B. 5818 Patentlaan 2<br>NL-2280 HV Rijswijk - Pays Bas<br>Tel. +31 70 340 - 2040 Tx: 31 651 epo nl<br>Fax: +31 70 340 - 3016   |   | Authorized officer<br><br><b>Rooney, K</b><br><br>Telephone No. +31 70 340-3931<br> |                      |

# INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.  
PCT/GB2005/000389

## Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
  - ☐ This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
    - ☐ international search (under Rules 12.3 and 23.1(b))
    - ☐ publication of the international application (under Rule 12.4)
    - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements\*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

### Description, Pages

1, 2, 5-26 as originally filed  
3, 4 received on 05.12.2005 with letter of 05.12.2005

### Claims, Numbers

1-29 received on 05.12.2005 with letter of 05.12.2005

### Drawings, Sheets

1/3-3/3 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

\* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY**International application No.  
PCT/GB2005/000389**Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application,

☒ claims Nos. 32, 33

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (specify):

☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 32,33 are so unclear that no meaningful opinion could be formed (*specify*):

**see separate sheet**

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☐ no international search report has been established for the said claims Nos.

☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form

☐ has not been furnished

☐ does not comply with the standard

the computer readable form

☐ has not been furnished

☐ does not comply with the standard

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-*bis* of the Administrative Instructions.

☒ See separate sheet for further details

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**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or Industrial applicability; citations and explanations supporting such statement**

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**1. Statement**

|                               |             |       |
|-------------------------------|-------------|-------|
| Novelty (N)                   | Yes: Claims | 1-26  |
|                               | No: Claims  | 27-29 |
| Inventive step (IS)           | Yes: Claims |       |
|                               | No: Claims  | 1-29  |
| Industrial applicability (IA) | Yes: Claims | 1-29  |
|                               | No: Claims  |       |

**2. Citations and explanations (Rule 70.7):****see separate sheet**

**10/587408**  
**IAP11 Rec'd PCT/PTO 27 JUL 2006****INTERNATIONAL PRELIMINARY  
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(SEPARATE SHEET)**

International application No.

**PCT/GB2005/000389****Re Item V****Reasoned statement with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement****1. Reference is made to the following documents:**

- D1: US-A-4 427 366 (MOORE ET AL) 24 January 1984 (1984-01-24)
- D2: PATENT ABSTRACTS OF JAPAN vol. 2002, no. 03, 3 April 2002 (2002-04-03) &  
JP 2001 327588 A (GREEN PRECIOUS:KK), 27 November 2001 (2001-11-27)
- D3: US-A-4 614 625 (WILSON ET AL) 30 September 1986 (1986-09-30)
- D4: DE 199 56 226 A1 (HAARMANN & REIMER GMBH) 31 May 2001 (2001-05-31)
- D5: EP-A-0 787 788 (CHENG, JACKIE CHAK YIN) 6 August 1997 (1997-08-06)

**2. The present application does not meet the criteria of Article 33(1) PCT, because the  
subject-matter of independent claim 27 is not new in the sense of Article 33(2) PCT.**

The document D1 discloses odourising chips which are formed by a mixture of meltable material such as paraffin wax and a scent. The chips are added about the body of the candles which in operation will have a melt-pool distributed around it and thereby release their scent (see D1: the whole document).

**3. The present application does not meet the criteria of Article 33(1) PCT, because the  
subject-matter of independent claim 1 does not involve an inventive step in the sense of  
Article 33(3) PCT.**

The document D3 discloses scented waxy pellet. The pellets may be coated and the coat may contain a colorant (see D3: as cited in search report). It seems the subject-matter of claim 1 is merely a selection of features which already exist in the state of the art, where the advantages of these features are readily apparent and to which no unexpected effect is associated.

**4. Dependent claims****4.1 The present application does not meet the criteria of Article 33(1) PCT, because the**

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International application No.

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subject-matter of claims 28 and 29 is not new in the sense of Article 33(2) PCT.

The document D1 implicitly discloses melting of fragrance pellets wherein convection occurs to facilitate scent release (see D1: the whole document), thereby removing novelty from the subject-matter of claims 28 and 29.

4.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 2-26 is not inventive in the sense of Article 33(3) PCT

Where these claims do not relate to product-by-process type reasoning and results to be achieved, the subject-matter of these claims does not appear to involve an inventive step since there is no teaching in the description that the selected features are connected with any particular technical effect. Therefore these claims are considered as alternative presentations of the scented pellets and thus fall within the normal capabilities of the skilled person (see D1-D5: as cited in the search report).